

Minutes for the
Daggett County Planning & Zoning Meeting
March 30, 2016

Members Present: Woody Bair; chair, Joe Jacobs, Brian Raymond, and Carrie Poulsen; secretary

Members Absent: Al Ladeau, Chad Reed, both excused

Guest Present: Niel Lund; county attorney 5:30 to 6:30 and 7:00 to 9:07

1. Welcome and call meeting to order: Woody welcomed everybody and called the meeting to order at 5:30 PM.

2. Public Comments: No public comments

3. Consideration and Discussion: Approval of minutes. No minutes to approve, Brian motioned to table, Joe seconded. All in favor, motion passed.

4. Consideration and Discussion: Review of Daggett County Ordinances.

Carrie printed some definitions that she thought we might want to add and Brian has a spread sheet of the ones the board had questions on before. He recommended keeping the definitions for billboard, boarding house, guest room and guest house. Delete the definitions for appeal authority, automobile graveyard, and Charter school. The board went over the list Brian provided and Joe motioned to approve, Brian seconded. All in favor, motion passed. Joe motioned to take out the word hot and add the word “or” after the word “and” in the definition of restaurant that was provided by Sterling. Brian seconded. All in favor, motion passed. Brian recommended that the board review the list Carrie provided and address it at the next meeting and Woody concurred. Carrie questioned the two definitions of subdivision in the County code. One says it is a lot split of 2 or more and the other says it’s a lot split of 3 or more. Niel said the recommendation is to use the state definition and it says it is a lot split of 2 or more. Niel will also ask Sterling for some samples of definitions. Niel left at this time and will return later in the meeting.

Chapter 8, Subdivisions, Article C, Concept plans-No changes

Chapter 8, Subdivisions, Article D, Minor Subdivisions- **Yes to the county referring to Utah Code Annotated section 17-27a-605 as such legislation has been amended and appears to affect this article.**

8-8D-4: B-1: Record of Survey Map. **Change to the correct statute reference to Utah Code 17-27a-605(3).**

8-8D-5: A-2: Health Department: Always refer to the health department as Tri-County Health Department. Also under 8-12-3, under 8, change from Uintah Basin to Tri County Health.

8-8D-6: Suitability of area for subdivision:

A. Endangered or Threatened Wildlife Habitat: Yes to add the underlined of the applicant.

8-8D-11: Approval; Procedures: Reference state code for public posting.

8-8E1-1: A-3: A vicinity map of the site at a minimum scale of one inch equals **one thousand feet (1" = 1,000')**. Sterling asked if this is correct, as opposed to one inch equals one hundred feet. **Use 1" equals 100 feet.**

8-8-E1-3: Suitability of area for subdivision: In addition to the information required in sections 8-8E-1-1 and 8-8E-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to establish the suitability of the site for the proposed subdivision: **Yes to include the underlined.**

8-8E-1-4: Coordination with municipalities and service providers required: In addition to the information required in sections 8-8E-1-1 and 8-8E-1-2 of this article, the following information is required to be presented as part of the preliminary subdivision plat application, necessary to promote coordination with affected jurisdictions and other service providers. **Yes to the inclusion of the underlined.**

Chapter 8, Subdivision, Article F: Cluster subdivisions. No changes.

Chapter 8, Subdivision, Article G: Plat Amendments and amendments to subdivisions. The county should refer to Utah Code Annotated section 17-27a-608 et seq., as the state has amended their legislation relative to vacating and amending subdivision plats. **Yes to using the state code.**

8-8G-2: D: Notice when lack of consent: A petition that lacks the consent of all owners within the plat or record of survey subdivision may not be scheduled for consideration at a public hearing before the county commission until the notice required by Utah Code Annotated section 17-27-809 et seq., as amended, is provided. The petitioner shall pay the cost of all required notices. (Res. 07-23, 12-4-2007).

The board questioned if Sterling is asking if this whole section be replaced with code 17-27a-608. Will ask Niel when he returns.

Chapter 8, Subdivisions, Article H: Recording and Construction.

8-8H-1: Construction of required subdivision improvements: Construction of any subdivision improvements, including infrastructure and facilities necessary to meet the requirements of this chapter, and any conditions required by the county commission for final subdivision approval, shall comply with the requirements as established by **resolution** by the county commission. **Answer yes to change the word resolution to ordinance.**

8-8H-4: Guarantees and escrow bond: The County may require guarantees and bonding necessary to ensure the installation of all public improvements. **Any required guarantee of the bonding shall be recommended by the county engineer and approved by the county attorney consistent with the**

established procedures of the county (Res. 07-23, 12-4-2007). Sterling said this provision differs from section 8-1-8 of this title. **Please reference changes to 8-1-8 A here.**

Chapter 8, Subdivision. Article I: Building Permits.

8-8I-1: Legal lot required: The **county building official** shall not issue any permit for a proposed building, use or structure, excluding agricultural buildings, as exempt by state law, on a lot within the county unless: Sterling questioned if the reference to county building official is correct or if it should read building inspector? **Yes it should read building inspector.**

8-8I-2: Water, sewage and road requirements. Sterling said with exception of subsection C of this section (road requirements), this legislation is covered in articles 8D and 8E, although different. As commented throughout this workbook. Sterling suggested that legislation be placed in one area to avoid conflicting legislation. **The board would like it left as is, unless it conflicts.**

Chapter 9. Supplementary and qualifying regulations:

8-9-4: Dwellings requirements: All single-family and multi-family dwellings shall have a minimum of nine hundred (900) square feet and shall be a minimum of forty five feet (45) wide, facing the street, an twenty feet (20) deep. The minimum rental permitted shall be thirty (30) days. Every dwelling shall be located and maintained on a "lot", as defined in section 8-2-3 of this title. **Change (900) to (800) and (45) to (40).**

8-9-9: Yards unobstructed; exceptions: Sterling asked if the county could provide the legislation that amended this section. **Omit the word amended since this will all be passed by ordinance.**

8-9-21: Temporary buildings and uses:

C-2: Such offices shall be subject to the height ,yard, intensity of use and parking regulations for the zoning district in which it is located and shall meet the minimum water and sanitary standards as required by the **zoning administrator**. **No to the change of zoning administrator, change to Tri-County Health.**

C-3: Any use permit approved for such office shall be limited to a period of time not to exceed two (2) years from the date of such approval, but said permit may be renewed by the **planning commission** for like periods thereafter if lots in the property being subdivided have not been sold. **Yes to the change of planning commission.**

8-9-24: Administration determination as to uses not listed: Determination as to the classification of uses not specifically listed in chapter 6 of this title, shall be made by the **building inspector** and shall be subject to appeal to the board of adjustment. Such appeal shall be filed in writing within ten (10) days after written notification to the applicant of the **zoning administrator's** determination. The procedure shall be as follows: **Sterling asked if the reference of "zoning administrator" be changed to building inspector. Board said no, change to planning commission in place of building inspector and zoning administrator.**

8-9-24 C: Determination: The determination of the building inspector shall be rendered in writing within a reasonable time, but not to exceed thirty (30) days unless with the written consent of the ~~applications~~ applicant. The determination shall state the zone classification in which the proposed use will be permitted as well as the findings which establish that such use is of the same character as uses permitted in that zone classification. Upon making his decision, the building inspector shall forthwith notify the applicant and the planning commission. **Yes to the ~~strikeout~~ text and inclusion of the underlined.**

8-9-25: Maintenance of property for safety and prevention of public nuisance: Sterling said this legislation is also covered under title 4, chapter 2 and 3. Sterling points out that conflict can be created when municipalities provide similar legislation in different areas. It is their suggestion that the county consider eliminating one or the other. The county could simply state in this section that property owners shall maintain their property free of nuisances as provided in title 4, chapter 2 and 3 of this code. **The board agrees with this suggestion and simplify.**

8-9-2 6: Airport area special regulations:

B: Airport zones defined: For the purpose of this chapter, the following airport zone terms shall have the following meaning (see airport zone map, ~~page~~): **Sterling suggest the inclusion of the underlined and the omission of the crossed out, the board agrees. Brian will check to find the Manila airport map.**

1. Main Airport Approach Zone **1**: Sterling said the footnote references "amended". If a specific ordinance adopted after ordinance 94-13 was passed, please provide so Sterling can update the historical citations. **The board said remove footnote 1. Footnote 1 read "Amended to conform with FFA regulations, 3-21-83".**

Chapter 10: Nonconforming Uses. Niel returned at this time. Sterling said the county should review Utah Code Annotated Section 17-27a-510, which provides for nonconforming uses and noncomplying structure. The county may desire to amend this legislation to be more in line with the provisions and terminology of state statute. If this is the case the county may need to amend their definitions in section 8-2-3 of this title. Niel said the county could not just adopt the whole state code as subsection 2 of the code says what the legislative body of the county can and cannot do. Niel said the counties version does not have anything that conflicts with the state code, he said we could adjust the counties version to more closely match state code. He recommends changing the definition of nonconforming and noncomplying use in chapter 2 of this title to match state code. Carrie asked if the board could ask Sterling to add the part about solar structures and billboards. Niel said solar structures will never be nonconforming as they are a permitted accessory use in all zones per Chapter 14. Niel said to first amend the definition section then go through Chapter 10 to decide which term to use, either noncomplying structure or nonconforming use. The board will come back to this section after changing the definitions.

8-10-9: The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter by (be) changed back to a

nonconforming use. **Sterling said this appears to be confusing in light of subsection 8-10-8A. Add “Except as provided in this chapter” at the beginning of the sentence.**

Chapter 11, Conditional Uses

8-11-1: Purpose

The purpose of this chapter is to allow the proper integration into the county of uses which may be suitable only in certain locations in the county or zoning districts, or only if such uses are designed or laid out on the site in a particular manner. **Sterling suggests the inclusion of the underlined, the board agrees.**

8-11-2;B: Accompanying Documents: Detailed site plans drawn to scale and other drawings necessary to assist the planning commission in arriving at an appropriate decision shall accompany the application. **Sterling suggests the inclusion of the underlined, the board agrees.**

8-11-2;C: Fee: The fee for any conditional use permit shall be twenty dollars (\$20.00) unless otherwise specified in this title, no part of which shall be refunded. **Sterling suggests omitting the fee, the board agrees to omit fee and amend language.**

8-11-2;D;3: Such hearings, if deemed necessary, shall be held not more than **thirty (30)** days from the date of application. The particular time and place shall be established by the planning commission. **Change to sixty (60) days.**

8-11-2;D;4: The planning commission shall publish a notice of hearing in a newspaper of general circulation in the county not less than ten (10) days prior to date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken. **Niel will ask Sterling about state code notification statute.**

8-11-2;E;3;C: The proposed use will conform to the intent of the county master plan; **and. Add the word and. Then the section continues onto D.**

8-11-4: Special landscape requirements pertaining to the site approval of commercial, industrial, residential, planned unit development and cluster (open space only) subdivision. **Take out the comma after the word residential.**

8-11-7: Time limit: Unless there is a substantial action under a conditional use permit within a maximum period of one year of its issuance, the conditional use permit shall expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances. **Niel recommends when issuing a conditional use permit to reference this section and say this permit will expire if you have not taken any action within a year or have applied for the 6 month extension.**

8-11-8: Conditional Uses Specified. Sterling says this section conflicts with the uses listed in Chapter 6, articles A through C. Sterling suggests removing this entire section. **The county has thoroughly reviewed the table of uses, and all conditional uses are included in the county's review of said table. Omit this section. Please add "petroleum and gas exploration and production" and "hydroelectric dam" as conditional uses to rural zones, agriculture zones and multiple use zones. Brian will follow up on power generation in the uses chart.**

Chapter 12: Mobile Home Parks and travel trailer courts:

8-12-1: Definitions: With the changes this section will be completely removed. See Chapter 2 for definitions. Replace Mobile Home definition with UCA 57-16-3(4). Replace Mobile home Park with UCA 57-16-3(5). Replace Mobile home space with UCA 57-16-3(6).

8-12-4: Change Travel trailer park/court to read as: **Recreational Vehicle (RV) park**: Any parcel of land accommodating two (2) or more travel trailers, **campers or RV units** for dwelling or sleeping purposes, for which a charge is made for those accommodations. **Changes are in bold text.**

Travel Trailer or Camper: Any trailer, RV unit or camper used or maintained primarily as a temporary dwelling for travel, vacation or recreational purposes, **which may legally travel upon state highways without special permits. Change is in bold.**

Add definition for Recreational Vehicle found in UCA 13-14-102(21).

Recreational Vehicle: means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreation, or vacation use that is either self-propelled or pulled by another vehicle. Recreational vehicle includes a travel trailer, camping trailer, motor home, fifth wheel and or a van.

Research Travel trailer space/ RV space definition in 8-2 as we proceed in 8-12 mobile home parks and travel trailer courts. Niel said some changes may need to be made as the board is using the term Recreational Vehicle (RV) more. Brian said travel trailer court is used frequently in the ordinances. It may need to be replaced with RV Park throughout the ordinance.

5. Old Business/ Follow up: No old business.

6. Items for next agenda: Codification, start on Chapter 12, 8-12-3. Find out when Chad Woolley can attend another work meeting, tabled until we know when he can attend, and advise him of next meeting on April 20, 2016 at 6:00 PM. Meeting adjourned at 9:07 PM.